Appl. No. 09/893,032
Amdt. Dated September 27, 2004
Reply to Office Action of March 25, 2004

Attorney Docket No. 81784.0239
Customer No. 26021

REMARKS/ARGUMENTS

Claims 2 and 5-18 were pending in the Application. By this Amendment, Claims 2, 5, 6, 7, 8, 15 and 17 are being amended, and Claims 9 and 18 are being canceled, to advance the prosecution of the Application. No new matter is involved.

In Paragraph 1 on page 2 of the Final Office Action of March 25, 2004, claims 2, 5-9 and 15 are objected to as containing "intended use" functionality language. A suggestion is made therein that the term "for" be deleted from the objectionable recitations. In response, Applicant is amending the claims pursuant to the suggestion in the Office Action, so that such claims should now be in acceptable form.

In Paragraph 3 which begins at the top of page 3 of the Office Action, claims 7, 8 and 10-16 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,818,801 of Watanabe et al. In Paragraph 5 on page 6 of the Office Action, claims 5, 6 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Watanabe in view of U.S. Patent 6,292,440 of Lee. In Paragraph 6 on page 7 of the Office Action, claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Watanabe in view of Microsoft Dictionary. These rejections are respectfully traversed.

Apart from the objectionable informalities which have been corrected, claims 2, 17 and 18 do not appear to be rejected on prior art. The informalities have been corrected in claim 2, so that claim 2 should now be allowable. Similar comments apply to claims 17 and 18 and to claims 7 and 9 from which they previously depended. Claim 7 is being amended to incorporate the limitations of claims 9 and 18 therein, so that claim 7 should now be allowable. The dependency of claim 17 is being changed to claim 7, so that claim 17 should now be allowable.

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Similarly, claim 5 is being amended to depend from claim 7, and as such contains all of the limitations of claim 7 so that it should also be allowable. Claim 6 depends from claim 5 and should also be allowable.

Claims 8, 10, 11, 12, 13, 14, 15, and 16 depend, directly or indirectly, from claim 7 and contain all of the limitations thereof, so that such claims should also be allowable.

Regarding rejection of several of the claims on the combination of Watanabe and Lee, Applicant wishes to note that Watanabe includes no description of an MP3 decoder. Lee describes only that data from the memory 200 is supplied to an MP3 decoder, at lines 20-22 of column 4. In addition, although Lee describes at lines 1-9 of column 4 thereof that when it is determined that MP3 data has no errors, the MP3 data is transmitted to the MP3 decoder, such reference does not describe that the MP3 decoder generates a read request signal.

Because Watanabe does not describe an MP3 decoder, there would be no motivation for one skilled in the art to combine Watanabe and Lee. Moreover, because Lee only includes the description noted above, the present invention could not have easily been derived from the attempted combination of Watanabe and Lee.

In conclusion, claims 2, 5-8 and 10-17 are submitted to clearly distinguish patentably over the art for the reasons discussed above. Therefore, reconsideration and allowance are respectfully requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 337-6846 to discuss the steps necessary for placing the application in condition for allowance.

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If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,

HOGAN & HARTSON L.L.P.

Date: September 27, 2004

By: _____

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